

Entered - 12/18/98 - sb  
CL98L0817 - DIANNE C. MITCHELL

CLAIM OF: **ORLANDO B. SEABORN**  
2506 Barge Road  
Atlanta, Georgia 30331

00-*r*-1755

For damages alleged to have been sustained as a result of vehicular damage  
due to rocks thrown by City vehicle on September 25, 1998 at Greenbriar  
Parkway and Highway 166.

THIS ADVERSED REPORT IS APPROVED

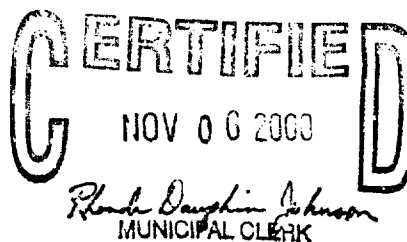
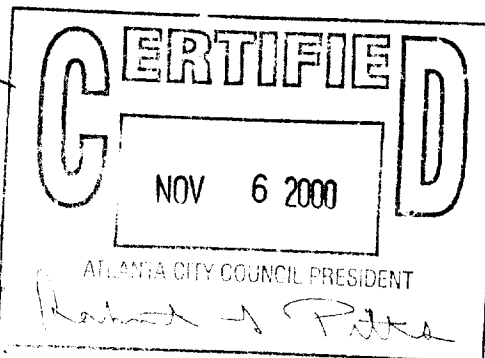
BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT

CONSENT AGENDA

*Public Safety*  
*10/31/00*  
*Clara Amador*  
*Donny Alford*  
*Michael Smith*  
*John*  
*Thompson*

ADVERSED BY  
CITY COUNCIL NOV 06 2000





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

November 14, 2000

Orlando B. Seaborn  
2506 Barge Road  
Atlanta, GA 30331

00-R-1755

Dear Mr. Seaborn:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 6, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0817

Date: October 17, 2000

Claimant /Victim ORLANDO B. SEABORN

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 2506 Barge Road, Atlanta, Georgia 30331

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 977.70 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 12/08/98 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/25/98 Place: Greenbriar Parkway and Highway 166

Department Police Division: \_\_\_\_\_

Employee involved Unknown Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to rocks thrown by a City vehicle. However, the claimant has failed to furnish information necessary to substantiate his claim.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

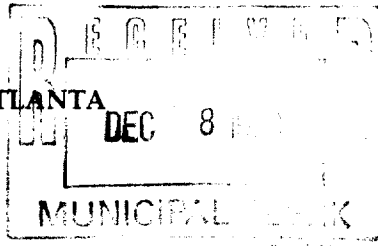
RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 10-17-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335



RE: CLAIM FOR DAMAGES

Today's Date: 12-6-98

Oatis  
12/15/98  
*[Signature]*

Dear Municipal Clerk:

ENTERED - 12-18-98 - SB 10-00-98  
98L0817 - ANTHONY OATIS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 977.70 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 9-25-98 (month/day/year) 2. Time of Incident: 5:30 PM 3. Police called: yes Yes No
4. Location of incident (including street address): GREEN BRIAR PARKWAY AND 166
5. Name of your insurance company: SOUTHEASTERN SECURITY Policy No. 01-SSA-188750-0
6. State what and how incident occurred: I WAS DRIVEING ON GREEN BRIAR PARKWAY I LOOKED THE OFFICER WAS IN BACK OF ME I THIN MOVED OVER TO LET HIM PASS WHEN HE PASSED WENT ON TO THE MEDUM SPENED BACK WHEELS ROCKES BROUCK WINDOW AND BODY DENTS
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: MITSUBISHI 95 128M-14-R ORLANDO SEABORN  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Orlando B. Seaborn  
Signature of Claimant

00-R-1755

ORLANDO B. SEABORN  
(Print Claimant's Name)

2506 BARGE RD.  
(Address)

ATLANTA GA. 30331  
(City, State and Zip Code)

770-451-7913 / 404-629-2104  
(Work Number) (Home Number)

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
B Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

|  |   | 11/06/00 Council Meeting  |
|--|---|---|
| ITEMS ADOPTED<br>ON CONSENT<br>AGENDA  | ITEMS ADVERSED<br>ON CONSENT<br>AGENDA  | ITEMS ADVERSED<br>ON CONSENT<br>AGENDA  |
| 1. 00-O-1577<br>2. 00-O-1586<br>3. 00-O-1615<br>4. 00-O-1661<br>5. 00-O-1663<br>6. 00-O-1670<br>7. 00-R-1578<br>8. 00-R-1685<br>9. 00-R-1780<br>10. 00-R-1659<br>11. 00-R-1688<br>12. 00-R-1689<br>13. 00-R-1704<br>14. 00-R-1722<br>15. 00-R-1723<br>16. 00-R-1708<br>17. 00-R-1774<br>18. 00-R-1709<br>19. 00-R-1710<br>20. 00-R-1711<br>21. 00-R-1712<br>22. 00-R-1713<br>23. 00-R-1714<br>24. 00-R-1715<br>25. 00-R-1717<br>26. 00-R-1718<br>27. 00-R-1719<br>28. 00-R-1720<br>29. 00-R-1721 | 30. 00-R-1716<br>31. 00-R-1724<br>32. 00-R-1725<br>33. 00-R-1727<br>34. 00-R-1728<br>35. 00-R-1729<br>36. 00-R-1730<br>37. 00-R-1731<br>38. 00-R-1732<br>39. 00-R-1733<br>40. 00-R-1734<br>41. 00-R-1735<br>42. 00-R-1736<br>43. 00-R-1737<br>44. 00-R-1738<br>45. 00-R-1739<br>46. 00-R-1740<br>47. 00-R-1741<br>48. 00-R-1742<br>49. 00-R-1743<br>50. 00-R-1744<br>51. 00-R-1745<br>52. 00-R-1746<br>53. 00-R-1747<br>54. 00-R-1748<br>55. 00-R-1749<br>56. 00-R-1750<br>57. 00-R-1751<br>58. 00-R-1752 | 59. 00-R-1753<br>60. 00-R-1754<br>61. 00-R-1755<br>62. 00-R-1756<br>63. 00-R-1757<br>64. 00-R-1758<br>65. 00-R-1759<br>66. 00-R-1760<br>67. 00-R-1761<br>68. 00-R-1762<br>69. 00-R-1763<br>70. 00-R-1764<br>71. 00-R-1765<br>72. 00-R-1766<br>73. 00-R-1767<br>74. 00-R-1768<br>75. 00-R-1769<br>76. 00-R-1770<br>77. 00-R-1771<br>78. 00-R-1772<br>79. 00-R-1773 |